

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY
PATENT LITIGATION

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MDL NO. 1592

ORDER

WOLF, D.J.

June 23, 2004

For the reasons described in court on June 22, 2004, it is hereby ORDERED that:

1. Johnson & Johnson shall, by June 25, 2004, report whether it wishes to participate in an expedited trial in the District of Massachusetts on the issue of non-statutory double patenting, should one be necessary.

2. The parties shall confer and, by July 16, 2004, report on what steps must be taken to permit all parties in all cases to participate in an expedited trial in the District of Massachusetts on the issue of non-statutory double patenting, should one be necessary.

3. The plaintiffs shall, by July 16, 2004, file any motion seeking leave to conduct any discovery not provided for by this Order on the issue of non-statutory double patenting, to obtain the testimony of witnesses who may foreseeably become unavailable, and concerning John White, Esq. The Trustees of Columbia University in the City of New York ("Columbia") shall respond by July 31, 2004.

4. The plaintiffs shall, by July 23, 2004, serve on Columbia their contentions as to why each claim of U.S. Patent No. 6,455,275

(the "'275 patent") is invalid for non-statutory double patenting.

5. Columbia shall, by August 6, 2004, respond to the plaintiffs' contentions of invalidity.

6. The parties shall confer and, by August 11, 2004, file a report on the status of this case, which succinctly states their respective positions on any disputes.

7. A status conference will be held on August 16, 2004, at 2:00 p.m. Counsel for all parties shall attend.

8. All parties shall, by August 27, 2004, serve initial expert reports regarding the issue of non-statutory double patenting. See Fed. R. Civ. P. 26(a)(2).

9. All parties shall, by September 17, 2004, serve responsive expert reports. See Fed. R. Civ. P. 26(a)(2).

10. The parties shall confer and, by October 1, 2004, take the depositions of any expert witnesses on the issue of non-statutory double patenting.

11. Any party wishing to file a motion for summary judgment on the issue of non-statutory double patenting shall do so by October 8, 2004. Oppositions shall be filed by October 22, 2004. Reply briefs shall be filed by November 1, 2004.

12. The parties shall confer and present a technology tutorial to the court on November 5, 2004, at 10:00 a.m. Materials relating to the tutorial shall be filed by November 3, 2004.

13. A hearing on any motions for summary judgment will be

held on November 22, 2004, at 10:00 a.m. and continue on November 23, 2004, if necessary.

14. If necessary, trial will commence on December 13, 2004.

15. This case is otherwise STAYED.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE